

A worksession of the Board of County Commissioners of Frederick County, Maryland ("Board") for Thursday, May 27, 2004, was called to order at 11:10 a.m. by Commissioner John L. Thompson, Jr., *President*. Present were Commissioners Mike Cady, *Vice President*, John Lovell, Jr., and Bruce Reeder. Commissioner Jan Gardner was absent from the meeting. Also present were Doug Browning, County Manager, and Deborah Smith, Recording Secretary.

(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also recorded. To receive a copy of meeting minutes or meetings recorded on cassette tape or videotape, please contact the Board of County Commissioners at 301-694-1100 or visit the County web page at www.co.frederick.md.us)

WORKSESSION

Installment Purchase Agreements and Resolutions (Boutelle and Drenning) – Timmy Ruppertsberger, Esquire, Venable, Baetjer and Howard, LLC (County Bond Counsel), and Tim Blaser, Administrator, Land Preservation Program, Planning Division

Mr. Blaser and Ms. Ruppertsberger presented Resolutions #04-17 and #04-18 and the accompanying Installment Purchase Agreements for 199.988 acres of the Ellen B. Boutelle Revocable Convertible Trust in the amount of \$497,207 and 105.728 acres of Charles D. and Peggy Drenning in the amount of \$252,395. They recommended approval as presented.

There was no public comment.

Commissioner Lovell moved to approve the documents indicating the purchase of an easement for 199.988 acres of the Ellen B. Boutelle Revocable Convertible Trust in the amount of \$497,207 and the purchase of an easement for 105.728 acres of Charles D. and Peggy Drenning in the amount of \$252,395. Commissioner Reeder seconded the motion. The vote was 4 – 0, with Commissioner Gardner absent.

(Copies of Resolutions #04-17 and #04-18 can be obtained in the County Manager's office.)

Amendment to Installment Purchase Agreement and Resolution #04-19 (Roger L. Troxell) – Timmy Ruppertsberger, Esquire, Venable, Baetjer and Howard, LLC (County Bond Counsel),

Ms. Ruppertsberger presented Resolution #04-19 to the Board for their approval. The resolution would amend Resolution #04-14, calling for an additional \$13,000 to be paid at closing, but would not change the amount (\$299,769) ultimately paid for the easement of 146.04 acres owned by Roger L. Troxell.

There was no public comment.

Commissioner Cady moved to approve Resolution #04-19, amending Resolution #04-14, as presented. Commissioner Lovell seconded the motion. The vote was 4 – 0, with Commissioner Gardner absent.

(A copy of Resolution #04-19 can be obtained in the County Manager's office.)

Request for a 4-acre Exclusion from Fern Hines' Installment Purchase Program Easement - Sonja Ingram, Easement Acquisition Specialist, Land Preservation Department, Planning Division

Ms. Ingram and Ms. Hines presented a request to exclude four (4) acres of land from the proposed Fern and George Hines Agricultural Preservation Easement in the Installment Purchase Program.

The Frederick County Agricultural Advisory Board met in public session on Monday, May 24, 2004, reviewed the request and found that the requested four-acre exclusion would have a minimal impact on the farming operation and recommended approval of the exclusion.

Staff recommended Board approval of the request to exclude the four (4) acre section.

There was no public comment.

Commissioner Reeder moved to approve the request as presented. Commissioner Lovell seconded the motion. The vote was 3 – 1, with Commissioner Thompson opposed and Commissioner Gardner absent.

Update on Fort Detrick Housing Tax Exemption – Richard McCain, Assistant County Attorney

Attorney McCain presented information that had been sent to him by David M. Lyon, Principal Counsel, Maryland Attorney General's Office, Department of Assessments and Taxation. The information received indicated that the area within Fort Detrick was considered a Federal enclave outside the jurisdiction of the State of Maryland; therefore, no real or personal property located therein was subject to taxation under Maryland law.

Commissioner Cady moved for the Board to rescind all previous actions taken in respect to the payment in lieu of taxes (PILOT) program regarding Fort Detrick. Commissioner Lovell seconded the motion.

There was no public comment.

The vote was 4 – 0, with Commissioner Gardner absent.

Reichs Ford Road Project, Phase I – Al Hudak, Division Director, and Stephen Baluch, Engineer III, Transportation Engineering, Public Works Division

Mr. Hudak and Mr. Baluch presented information to the Board regarding Phase I of the Reichs Ford Road Improvement Project. During a PowerPoint presentation, staff presented several options available to proceed with the project for the Board's consideration.

Staff recommended approval of spot improvements and Alternate 2.

Staff recommended that the project proceed under the strategy for accelerated completion with spot improvements, which would provide at least a minimum level of improvement in both sections, that could better accommodate the number and type of vehicles expected to use the Transfer Station when it opened in July 2005.

Alternate 2 would provide for widening the roadway to 11-foot lanes with an 8-foot shoulder and improving horizontal and vertical alignment for 35 mph design speed. Staff further recommended that the 8-foot wide shoulder should be paved for the entire width. Staff recommended that an 80-foot

right-of-way be provided at the intersections with Aylor Drive, Beall Drive, Hines Road, and Bartonsville Road, even if supplemental lanes are not constructed.

Commissioner Lovell moved to continue the meeting to no later than 1:00 p.m. Commissioner Reeder seconded the motion. The vote was 3 – 1, with Commissioner Thompson opposed and Commissioner Gardner absent.

Public comments were given by:

- Ø Karen Dow, Reichs Ford Road
- Ø Rachel Hayre, 8614 Reichs Ford Road
- Ø Cynthia Weller, 8209 A Reichs Ford Road
- Ø Arlinda Sothoron, 8720 Reichs Ford Road
- Ø Joan Wade, 8723 Reichs Ford Road
- Ø Tim Taverner, 9360 Reichs Ford Road

Commissioner Cady moved that the Board accept Design Plan Alternate #2 as presented. Commissioner Lovell seconded the motion. The vote was 4 – 0, with Commissioner Gardner absent.

Commissioner Cady moved that the Board approve that staff proceed with accelerated completion with spot improvements, as presented by staff, to have the final improvements completed by September 2007, subject to delays of rights-of-way, permits, etc. being obtained. Commissioner Lovell seconded the motion. The vote was 4 – 0, with Commissioner Gardner absent.

COMMISSIONERS COMMENTS

There were no additional comments from the Board.

PUBLIC COMMENTS

David Severn, Esquire requested that the Board reconsider their vote on the Walter Martz Road issue.

Walter Martz Road Memorandum of Understanding (MOU) with the City of Frederick

Commissioner Cady moved to approve the agreement with the City of Frederick in regard to Walter Martz Road as presented earlier in the meeting. Commissioner Reeder seconded the motion. The vote was 3 – 1, with Commissioner Thompson opposed and Commissioner Gardner absent.

QUESTIONS - PRESS

There were no questions from the press.

MOTION TO GO INTO CLOSED SESSION AT 1:30 P.M.

Commissioner Lovell moved to go into closed session at 1:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a)(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii)

Any other personnel matter that affects one or more specific individuals. Commissioner Reeder seconded the motion. The vote was 4 – 0, with Commissioner Gardner absent.

ADJOURN

The meeting adjourned at 12:47 p.m. to reconvene in closed session at 1:30 p.m.

Respectfully submitted,

Deborah A. Smith
Recording Secretary

FORM OF STATEMENT FOR CLOSING THE MEETING OF THURSDAY, JUNE 17, 2004

Location: Third Floor Hearing Room, Winchester Hall, Frederick, Maryland
Time: 12:47 p.m.
Motion By: Commissioner Lovell
Seconded By: Commissioner Reeder

Vote To Close Session:

John L. Thompson, Jr., *President*
Michael L. Cady, *Vice President*
John R. Lovell, Jr.
Jan H. Gardner
Bruce L. Reeder

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
X			
X			
X			
			X
X			

STATUTORY AUTHORITY TO CLOSE SESSION State Government Article §10-508(a):

(1) X To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

(ii) Any other personnel matter that affects one or more specific individuals.

- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) To consider the investment of public funds.
- (6) To consider the marketing of public securities.
- (7) To consult with counsel to obtain legal advice on a legal matter.
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.
- (11) To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPIC TO BE DISCUSSED: To interview for a Division Director position.

Deborah Smith
Recording Secretary

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
OF TUESDAY, JUNE 22, 2004
FOLLOWING THE CLOSED MEETING OF JUNE 17, 2004**

Location: Third Floor Hearing Room, Winchester Hall, Frederick, Maryland
 Time: 12:47 p.m. for the closed session to convene at 1:30 p.m.
 Motion By: Commissioner Lovell
 Seconded By: Commissioner Reeder

Vote To Close Session:

John L. Thompson, Jr., *President*
 Michael L. Cady, *Vice President*
 John R. Lovell, Jr.
 Jan H. Gardner
 Bruce L. Reeder

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
X			
X			
X			
			X
X			

Others In Attendance: D. Browning.

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article § 10-508(a)(1)

To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

TOPIC DISCUSSED: To interview for a Division Director position.

ACTION TAKEN: The Board took no action.

Deborah Smith
Recording Secretary